IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S. B. CIVIL WRIT PETITION NO.6217/2007.

Mahaveer Prasad
Vs.
The District and Sessions Judge and ors.

Date of order: 20/08/2007.

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Mr. R.B. Mathur, for the petitioner.

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BY THE COURT:-

The petitioner has challenged the order dated 1/8/2007 whereby his application for transfer of Civil Suit No.16/2005 pending in the Court of learned Additional Civil Judge (Junior Division) has been rejected. Learned counsel for the petitioner reiterated all those grounds which were raised before the learned District Judge and argued that the petitioner has no hope to get justice at the hands of the present Presiding Officer because Power of Attorney Holder of the plaintiff was seen at the residence and also in the car of the Presiding Officer. Learned District Judge has not appreciated the arguments in correct prospective. Learned counsel for the petitioner prayed that interest of justice would be served in case the

pending matter is transferred to some other Court.

2) Having heard learned counsel for the petitioner and perused the impugned order, I find that the learned District and Sessions Judge has taken note of the fact that this matter is pending for last several years and was presently at the stage of final disposal. The petitioner sought as many as 29 adjournments. Lastly he had been asking for adjournment on the ground that he would engage another counsel from Sikar to argue the matter. One Mahesh Sharma appeared on his behalf on the adjourned date on which date also, the matter was again adjourned. This is a fact that this Court had directed the learned trial Court to expedite the completion of the trial. The learned Sessions Judge apart from considering the application also called for the comments of the Presiding Officer and even noted that application was having vague averments without particular number of the vehicle in which the Presiding Officer was seen with the plaintiff-respondent. Learned counsel for the petitioner at this stage submitted that the petitioner has now given the particulars of the vehicle.

3) In totallity of the circumstances, I am of the view that the judgment passed by the learned Sessions Judge does not suffer from any error so as to warrant intereference of this Court. Trial of the case which is at the final stage cannot be answered at the asking of the petitioner.

4) In my considered view, learned Sessions Judge has not committed any illegality in rejecting the application of the petitioner filed u/S.22 of the Code of Civil Procedure, 1908.

There being no merit, the petition is dismissed summarily.

(MOHAMMAD RAFIQ), J

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